From: Avi Rappoport
To: Microsoft ATR
Date: 1/26/02 12:04am
Subject: Microsoft Settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
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Washington, DC 20530-0001

I object to the proposed Microsoft Settlement, the Proposed Final Judgement.

I have been personally injured by Microsoft's monopoly practices,
both when I worked for a Macintosh OS software developer, and when I
worked for a web server developer. In the latter case, Microsoft
included a free web server in Windows NT, which made our
cross-platform server software entirely uneconomic. There was simply
no longer a market for server software, which destroyed the server
division of of my employer, Quarterdeck.

As a consumer and small businessperson, I have been hurt by a lack of
choice in operating systems and office automation applications. I
had to buy a Windows machine to run certain programs, although I
prefer to use the Macintosh OS. I know Microsoft Word, Excel and
PowerPoint very well, and would not use them if I had a choice.
However, to share files with my consulting clients, I am required to
pay for these applications.

I believe that any settlement with Microsoft should have the
following characteristics:

- It should reduce barriers to development of applications,
especially those which compete with Microsoft products.

- It should require Microsoft to publish all secret APIs used by
Microsoft inhouse and close partner developers.

- It should require Microsoft to disclose all patents protecting
Windows APIs to avoid inadvertent infringements.

- It should allow users to replace Microsoft.NET with competing middleware.

- It should apply to all flavors of Windows which use the Win32 and
associated APIs.

- It should require advance notice and documentation of technical

requirements and changes to the middleware.

- It should require complete and current documentation of Microsoft Office file formats, and infrequent changes to these formats.

- It should remove any restrictions on Open Source software.

- It should remove any restrictions on Microsoft software on competing Operating Systems.

- It should punish intentional incompatibilities, as Microsoft has used in the past to keep software from running on other Operating systems.

- It should restrict Microsoft from punishing any OEM, especially smaller companies, that do not want to license Windows for all their systems.

- It should disallow discounts based on sales of other products.

- It should have a strong and automatic enforcement mechanism, with some kind of heavy fines or damages for each infringement.

The Proposed Final Judgement fails in all these aspects, allowing Microsoft to leverage its monopoly in operating systems to other aspects of technology and reducing the free market of ideas. I urge you to consider the issues above in creating a fair settlement that is in the public interest.

Thank you,

Avi Rappoport

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